

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

NEONODE SMARTPHONE LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO. LTD.  
and SAMSUNG ELECTRONICS  
AMERICA, INC.,

Defendants.

Civil Case No. 6:20-cv-00507-ADA

**JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Standing Order Governing Proceedings (OGP) 4.3—Patent Cases and in advance of the *Markman* hearing on July 7, 2023, Plaintiff Neonode Smartphone LLC and Defendants Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc., hereby submit this Joint Claim Construction Statement regarding claim terms used in U.S. Patent No. 8,095,879.

**DISPUTED CLAIM CONSTRUCTIONS**

| <b>Claim Term</b>   | <b>Plaintiff's Proposed Construction</b> | <b>Defendants' Proposed Construction</b> | <b>Term Proposed By</b> |
|---|--|--|-------------------------|
| <b>“the representation consists of only one option for activating the function” (claim 1)</b> | Plain meaning                            | Indefinite                               | Both parties            |

|   |  |   |   |
|---|--|---|---|
| “gliding” (claims 1, 12) / “the object gliding along the touch sensitive area” (claim 1) / “gliding the object along the touch sensitive area” (claim 12) | Plain meaning, not including a drag and drop operation | “gliding”: Indefinite<br><br>Remainder of claim term: No construction necessary; plain and ordinary meaning | Proposed by Samsung: “gliding”<br><br>Proposed by Neonode: “the object gliding along the touch sensitive area,” “gliding the object along the touch sensitive area” |
|---|--|---|---|

### AGREED CLAIM CONSTRUCTIONS

| Claim Term   | Agreed Construction                                     | Term Proposed By |
|--|---|------------------|
| The preamble of claim 1  | Preamble is limiting as to the entirety of the preamble | Neonode          |
| “tapping” / “selection of a preferred service or setting is done by tapping” (claim 3) | No construction necessary; plain and ordinary meaning   | Neonode          |
| “a shell upon an operating system” (claim 15)  | No construction necessary; plain and ordinary meaning   | Neonode          |

Dated: June 27, 2023

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

The undersigned certifies that on June 27, 2023, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system and all counsel of record will receive an electronic copy via the Court's CM/ECF system.

/s/ Brian D. Melton

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